

AO 91 (Rev. 11/11) Criminal Complaint

UNITED STATES DISTRICT COURT

for the

Southern District of Ohio

United States of America

v.

Erick Daniel PEREZ-Barron

Case No.

3:19mj220

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of April 15, 2019 in the county of Montgomery in the Southern District of Ohio, the defendant(s) violated:

Code Section

21 U.S.C. §§ 841(a)(1) and (b)(1)
(C)

Offense Description

possession with intent to distribute a mixture or substance containing a detectable amount of cocaine

This criminal complaint is based on these facts:

See Attached Affidavit of Timothy Wallace

☒ Continued on the attached sheet.

Sworn to before me and signed in my presence.

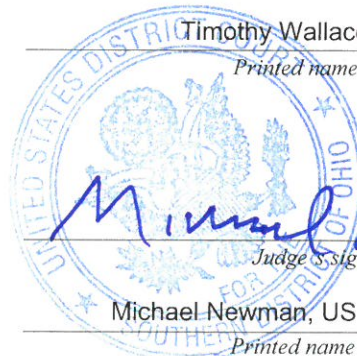
Date: 04/16/2019

City and state: Dayton, Ohio

Complainant's signature

Timothy Wallace, SA of HSI

Printed name and title



Judge's signature

Michael Newman, US Magistrate Judge

Printed name and title

ATTACHMENT "A"

AFFIDAVIT

1. I, Timothy J. Wallace, a Special Agent for United States Immigration and Customs Enforcement (ICE), Homeland Security Investigations (HSI), am hereinafter referred to as Affiant. As such, Affiant sets forth the following in support of an arrest warrant for Erick Daniel PEREZ-Barron
2. I am an employee of Homeland Security Investigations assigned to the Cincinnati Resident Office. I have been a Special Agent with HSI since July 2009. I attended and graduated from the basic agent training course in Brunswick, Georgia and have received extensive training in the investigation of narcotics trafficking and financial crimes from Homeland Security Investigations, as well as ongoing in-service training.
3. Since February 2018, Affiant has been assigned to the HSI Border Enforcement Security Task Force (BEST) in Dayton, Ohio.
4. As a Special Agent for HSI, Affiant is charged with the duty of enforcing among other Titles, the Controlled Substance Act, Title 21, United States Code, together with other assigned duties as imposed by Federal law.
5. By virtue of Affiant's employment with HSI, I perform and have performed various tasks which include, but are not limited to:
 - a) Conducting surveillance for the primary purpose of observing the activities and movements of drug traffickers;
 - b) Functioning as a case agent which entails the supervision of specific aspects of drug investigations; and,
 - c) The tracing and tracking of monies and assets gained by drug traffickers from the illegal sale of drugs.
6. This Affidavit is submitted in support of a criminal complaint, and seeks the issuance of arrest warrant for Erick Daniel PEREZ-Barron, for a violation of 21 U.S.C. §§ 841(a)(1) and (b)(1)(C) (possession with intent to distribute a mixture or substance containing a detectable amount of cocaine).


7. The information contained in this Affidavit is based upon an investigation conducted by your Affiant and other law enforcement officers. All of the details of the investigation are not included in this Affidavit, rather only information necessary to establish probable cause of the aforementioned violations.

FACTS

FACTS SUPPORTING PROBABLE CAUSE

1. Unless otherwise noted, when I assert that a statement was made, I received the information from a law enforcement officer who provided the information to me, either verbally or in a written report. The officer providing me with the information may have received the information by way of personal knowledge or from another source.
2. On or about April 15, 2019, members of the Miami Valley Bulk Smuggling Task Force (MVBSTF) were at the Greyhound Bus Station located in Trotwood, Ohio conducting routine checks of inbound and outbound Greyhound buses.
3. Task Force Officer (TFO) Raymond Swallen observed a Greyhound Bus pull up to the terminal. The bus was traveling from New York to Chicago, IL. TFO Swallen asked the driver of the bus for permission to board and was granted such.
4. TFO Swallen immediately walked to the rear of the bus and began to ask passengers for permission to view their bus tickets.
5. TFO Swallen encountered Erick Daniel PEREZ-Barron at the rear of the bus and asked to see his bus ticket. PEREZ provided his Greyhound bus ticket and a United States Border Crossing Card bearing the name Erick Daniel PEREZ Barron.
6. TFO Swallen asked PEREZ if he had any bags with him on the bus. PEREZ retrieved a bag from the overhead compartment. TFO Swallen asked PEREZ if he was carrying any drugs, guns or large amounts of United States Currency. PEREZ stated that he was not and opened his bag so that TFO Swallen was able to view the contents.
7. TFO Swallen observed a vacuumed sealed bag containing a white substance inside of PEREZ' bag. Based on his training and experience, TFO Swallen believed the package contained a controlled substance.

8. TFO Swallen escorted PEREZ from the bus to a breakroom in the rear of the bus terminal for further questioning.
9. PEREZ was advised of his constitutional rights per Miranda in the Spanish language. PEREZ stated that he understood his rights and was willing to speak with agents.
10. PEREZ stated that he received the cocaine in El Paso, TX and transported it up to Bronx, New York. PEREZ claimed that he did not know how much he was going to get paid to transport the cocaine but assumed he would be paid approximately \$1000. PEREZ stated that when he arrived in New York, the intended recipient did not like the quality of the cocaine and did not take receipt of it. PEREZ told agents that he was bringing the cocaine back to El Paso but was going to stop in Chicago first to get some money from a relative.
11. A field test of the substance returned a positive result for the properties and characteristics of cocaine. The package was found to weigh approximately 411 grams.
12. Based on the facts set forth in the Affidavit, Affiant believes that there is probable cause to issue a criminal complaint and arrest warrant against Erick Daniel PEREZ-Barron for a violation of 21 U.S.C. §§ 841(a)(1) and (b)(1)(C) (possession with intent to distribute a mixture or substance containing a detectable amount of cocaine).


Timothy J. Wallace, Special Agent
Homeland Security Investigations

Subscribed and sworn to before me on April 16, 2019


Honorable Michael J. Newman
United States Magistrate Judge

